

Candice B. Pierucci proposes the following substitute bill:

English Learner Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Candice B. Pierucci

Senate Sponsor: Heidi Balderree

LONG TITLE

General Description:

This bill provides emergency funding to schools experiencing a significant increase in English language learner enrollment.

Highlighted Provisions:

This bill:

- defines a term;
 - provides a local education agency (LEA) with emergency funding if enrollment of students learning English meets or exceeds a threshold;
 - requires the state board to oversee an application process and distribute emergency funds;
- and
- instructs an LEA on the use of emergency funds.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53F-2-314, as last amended by Laws of Utah 2022, Chapter 409

ENACTS:

53F-2-315, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53F-2-314** is amended to read:

53F-2-314 . Weighted pupil units for students who are at-risk.

(1) As used in this section:

- 29 (a) "At risk" means that a public education student:
- 30 (i) scores below proficient on a state board or LEA approved assessment; or
- 31 (ii) meets an LEA governing board's approved definition of an at-risk student.
- 32 (b) "Limited English proficiency" means that an English learner student received a score
- 33 of 1-4 on an English language proficiency assessment.
- 34 (2)(a) Additional weighted pupil units for students who are at-risk are computed based
- 35 on the number of students within each LEA on October 1 of the previous school year
- 36 as follows, added to a base of five WPU's for each LEA:
- 37 (i) for the fiscal year beginning on July 1, 2021:
- 38 (A) for each student who is eligible to receive free or reduced price lunch, .05
- 39 additional weighted pupil units; and
- 40 (B) for each student with limited English proficiency, .025 additional weighted
- 41 pupil units; and
- 42 (ii) for each fiscal year after the fiscal year described in Subsection (2)(a)(i), the
- 43 additional weighed pupil units shall increase, subject to the approval of the
- 44 Executive Appropriations Committee, by amounts that the Public Education
- 45 Appropriations Subcommittee recommends in the subcommittee's evaluation and
- 46 recommendations described in Section 53E-1-202.2, up to:
- 47 (A) for each student who is eligible to receive free or reduced price lunch, .3 total
- 48 weighted pupil units; and
- 49 (B) for each student with limited English proficiency, up to .1 total weighted pupil
- 50 units.
- 51 (b) Funding for a student who falls within both Subsections (2)(a)(i)(A) and (B) shall be
- 52 computed under both weighting factors.
- 53 (3) An LEA governing board shall use money distributed under this section to improve the
- 54 academic achievement of students who are at-risk.
- 55 (4) The state board may use nonlapsing funds remaining under this section from a prior
- 56 school year to provide the emergency funding described in Section 53F-2-315.
- 57 [(4)] (5)(a) Annually, an LEA shall provide the following information to the state board:
- 58 (i) a report of the LEA's use of funds allocated under this section through the annual
- 59 financial reporting process; and
- 60 (ii) the LEA's outcome data or a report of intervention effectiveness related to the use
- 61 of the LEA's use of funds allocated under this section.
- 62 (b) The state board shall monitor the learning outcomes resulting from the LEA's use of

63 funds under this section.

64 Section 2. Section **53F-2-315** is enacted to read:

65 **53F-2-315 . Emergency funding for schools with increased enrollment of students**
66 **learning English.**

67 (1) As used in this section, "student learning English" means a student, currently enrolled at
68 a public elementary or secondary educational institution, whose most recent score on an
69 English language proficiency assessment is the lowest score available under the given
70 assessment.

71 (2)(a) An LEA may receive emergency funding from the state board if enrollment, at a
72 school within the LEA, of students learning English increases by:

73 (i) 75% or more above the previous three-year average enrollment for students
74 learning English in the school; and

75 (ii) 30 or more students above the previous three-year average enrollment for
76 students learning English in the school.

77 (b) An LEA shall ensure that an application the LEA submits under Subsection (3)(a):

78 (i) demonstrates substantial need for the emergency funding;

79 (ii) includes the percentage by which the school's student learning English enrollment
80 exceeds the previous three-year average for the school; and

81 (iii) demonstrates that the school has insufficient existing funds to adequately support
82 the increased student learning English enrollment.

83 (3) The state board shall:

84 (a) establish and oversee the application process to award emergency funding;

85 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
86 create rules to:

87 (i) determine a method for measuring an increase in enrollment at a school; and

88 (ii) identify a school that meets the threshold requirement described in Subsection
89 (2)(a); and

90 (c) subject to the availability of funds or legislative appropriations, prioritize
91 applications and distribute funding based on:

92 (i) the greatest percentage increase in students learning English enrollment in the
93 school; and

94 (ii) the severity of the financial need of the school.

95 (4) An LEA shall use emergency funds received under this section to:

96 (a) provide training or certification to teachers on the instruction of a student learning

- 97 English;
98 **(b) reduce the number of students learning English in a class;**
99 **(c) hire an aide to assist with students learning English in the classroom; or**
100 **(d) provide other resources specific to the needs of a student learning English.**
101 **(5) An LEA may not use emergency funding received under this section for administrative**
102 **expenses.**
103 **(6)(a) The state board shall draw the emergency funding described in Subsection (2)(a)**
104 **from nonlapsing funds remaining in the at-risk weighted pupil unit described in**
105 **Section 53F-2-314.**
106 **(b) The state board may not draw, from the at-risk weighted pupil unit, more than**
107 **\$500,000, per fiscal year, for the emergency funding described in this section.**

108 **Section 3. Effective Date.**

109 This bill takes effect on July 1, 2025.